

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS WELFARE AND)
PENSION FUNDS,)
)
Plaintiffs,)
) No. FILED: MAY 19, 2008
v.) 08 cv 2888 JH
) Judge JUDGE MANNING
EINFELDT CONSTRUCTION, INC.,)
an Illinois corporation) MAGISTRATE JUDGE COLE
)
Defendant.)

COMPLAINT

Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds"), by their attorneys, John J. Toomey, of Arnold and Kadjan, complain against Defendant, EINFELDT CONSTRUCTION, INC. an Illinois corporation, as follows:

COUNT I

JURISDICTION AND VENUE

1. (a) Jurisdiction of this cause is based upon Section 502 of the Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1132 ("ERISA") and 29 U.S.C. 1145 as amended.

(b) Venue is founded pursuant to 29 U.S.C. Section 1132(e) (2) in this district, where the Funds as described in Paragraph 2, are administered and 185(c).

PARTIES

2. (a) Plaintiffs are the TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS ("Funds") and have standing to sue pursuant to 29 U.S.C. 1132(a)(3).

(b) The SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS have been established pursuant to collective bargaining agreements previously entered into between the International Brotherhood of Teamsters and its affiliated locals (“the Union”) and Employers;

(c) The Funds are maintained and administered in accordance with and pursuant to the provisions of the National Labor Relations Act, as amended, and other applicable state and federal laws, and also pursuant to the terms and provisions of the Agreements and Declarations of Trust which establish the Funds.

3. (a) EINFELDT CONSTRUCTION, INC. an Illinois corporation, employs employees represented by the Union and is bound to make contributions for weeks worked by all employees and upon subcontractors who perform work which would otherwise be performed by employees.

(b) EINFELDT CONSTRUCTION, INC. is an Illinois corporation, with its principal place of business at Bourbonnais, Illinois.

(c) EINFELDT CONSTRUCTION, INC. an Illinois corporation, is an employer engaged in an industry affecting commerce.

4. EINFELDT CONSTRUCTION, INC. an Illinois corporation, entered into an agreement with Teamsters 179 for periods from June 1, 2006 through May 31, 2009 which require contributions to the Funds pursuant to 29 U.S.C. 1145.

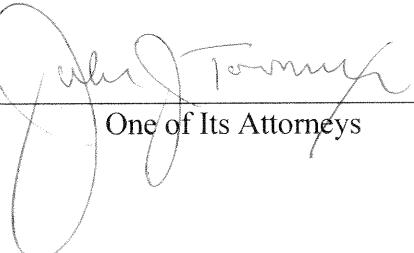
5. Pursuant to the collective bargaining agreements between EINFELDT CONSTRUCTION, INC., an Illinois corporation and the Union, EINFELDT CONSTRUCTION, INC., has failed and continues to fail to make its obligated contributions to the Fund for the period June, 2005 through October, 2007, as disclosed in an audit which took place on February 21, 2008.

6. The audit disclosed \$1,614.92 due the Pension Fund and \$1,753.14 due the Welfare Fund for a total of \$3,368.06.

WHEREFORE, Plaintiffs pray:

- A. This court enter judgment in favor of the Plaintiffs and against EINFELDT CONSTRUCTION, INC., an Illinois corporation, in the amount of the audit, \$3,368.06.
- B. That this court award the plaintiffs their attorneys' fees, costs, interest, and liquidated damages pursuant to 29 U.S.C. 1132(g)(2) and the relevant collective bargaining agreements and trust agreements.
- C. That the Court grant such further relief as is proper.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By: 

One of Its Attorneys

John J. Toomey
ARNOLD AND KADJAN
19 West Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

JUN. 27. 2006 8:48AM TEAMSTERS LOCAL 179

NO. 834 P. 1

**AREA CONSTRUCTION AGREEMENT
BETWEEN**

TEAMSTERS LOCAL 179

An Affiliate of the
INTERNATIONAL BROTHERHOOD OF TEAMSTERS

And

**CONTRACTORS ASSOCIATION OF
WILL AND GRUNDY COUNTIES**



JUNE 1, 2006 THROUGH MAY 31, 2009

Einfeldt Construction Inc.

FOR NON-ASSOCIATION EMPLOYERS

FOR TEAMSTERS LOCAL 179

BY: John S. Jones
TITLE: President
DATE: 6/21/05

FOR THE COMPANY
COMPANY: Infiniti Consulting
ADDRESS: 10 Box 417
City: Four Corners Sq. Zip: 60914

PHONE: 815-936-9990
FAX: 815-937-1024
BY: Butch C. Clegg
TITLE: President
DATE: 6/21/05

ADDENDUM 1.

Uniform Drug/Alcohol Abuse Policy

The Union recognizes that the Employers of Teamsters are required to meet the regulations established by more than one governmental agency.

It is agreed that Employers adopting the "Uniform Drug/Alcohol Abuse Program" required by State and Federal Drug Free Workplace Acts, or other policies required to meet the regulations established by the Federal Department of Transportation or the Illinois Department of Transportation, shall not be in conflict with the Area Construction Agreement, Joint Council No. 25.

It is further understood that policies adopted by Employers that are in excess of governmental regulations shall be subject to the Grievance Procedure established in Article 6 of this Agreement.

PARTY OF THE FIRST PART:

By: Contractors Assoc. WSC
Company

By: Sean B. Gray

PARTY OF THE SECOND PART:

By: Teamsters Local 179
Union

By: James J. Miller

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